

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2516

BEULAH R. WATSON,

Plaintiff - Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (CA-03-340)

Submitted: July 21, 2004

Decided: August 24, 2004

Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Beulah R. Watson, Appellant Pro Se. Mary Hannah Lauck, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Beulah R. Watson seeks to appeal the district court's order adopting the magistrate judge's report and recommendation and dismissing her 42 U.S.C. § 405(g) complaint for lack of subject matter jurisdiction based on Watson's failure to exhaust her administrative remedies. In his report and recommendation, the magistrate judge advised Watson that failure to file timely objections to the recommendation would waive appellate review of a district court order based upon the recommendation. Despite this warning, Watson failed to object to the magistrate judge's recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985). Watson has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED